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# Spy suspect asks court to bar use of statements to FBI

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Attorneys for Arthur J. Walker formally declared yesterday that he did not voluntarily admit furnishing classified documents for sale to the Soviet Union and asked that his indictment on espionage charges be dismissed.

Mr. Walker, a retired Navy lieutenant commander, is accused of using his security clearance to obtain documents from the VSE Corp., a defense contractor, for his brother, John Walker, who is accused of being a spy ring leader.

In one of a score of motions filed with the U.S. District Court in Norfolk, Va., the attorneys asked that a seven-count indictment be dismissed on grounds that the counts are "inconsistent, redundant and mutually exclusive."

In another motion, the attorneys asked that the court not allow trial use of statements Arthur Walker is reported to have made, including a remark that he was paid \$12,000 for the documents.

"The statements were not given voluntarily," Mr. Walker's court-appointed attorneys, Samuel W. Meekins and J. Brian Donnelly, said in the motion.

FBI agents questioned Arthur Walker, 50, for more than 35 hours over five days following John Walker's arrest at his home in Virginia Beach, Va., on May 29, the motion said.

The attorneys quoted FBI agents as telling Arthur Walker, "If we can say that you willingly and truly tried to help us, that would help you very much also and increase your chances for no prosecution."

The attorneys also argued that notes FBI agents made while questioning Arthur Walker are incomplete and misleading.

Another development in the publicized spy case occurred in Baltimore, where defense lawyers and U.S. District Judge Alexander Harvey II agreed to set Oct. 28 as the

trial date for John Walker and his son Michael, also indicted for espionage.

John Walker Jr., 47, a retired Navy chief warrant officer, and his son Michael, 22, a petty officer who had been stationed aboard the aircraft carrier USS Nimitz, were scheduled to be tried together although both are seeking separate trials.

Both are now being held without bond at undisclosed locations. Judge Harvey scheduled a hearing July 11 on a motion that the son be transferred to a halfway house.

John Walker was arrested May 20 after he allegedly left a parcel containing about 120 secret or confidential Navy documents in the Maryland countryside outside Washington, to be picked up by a Soviet agent.

The son was charged two days later with espionage after investigators found a 15-pound box of classified documents next to his bunk on the Nimitz.

A hearing on an array of defense motions was scheduled for Aug. 15. They include motions to dismiss the indictments on grounds that the grand jury had become biased by publicity about the case.

In Norfolk, Messrs. Meekins and Donnelly, attorneys for Arthur Walker, had filed a motion earlier to move his trial to Richmond because of publicity the case has received in southeastern Virginia where there is a large military population.

The government filed an opposing motion saying, "The defendant has engaged in speculation and surmise concerning any possible prejudice that would flow from the publicity by granting interviews to the media."

A hearing on the motions is set for

July 9 in U.S. District Court. Arthur Walker's trial is scheduled for Aug. 5.

Jerry A. Whitworth, 45, of Davis, Calif., a retired Navy communications specialist who also had security clearance, will be tried in San Francisco on Aug. 26 on charges that he collaborated with John Walker in spying for the Soviets.

A hearing on whether he can be freed on bail is scheduled for July 16.

Mr. Whitworth's attorneys have also filed a motion to suppress evidence obtained in what they described as an unconstitutional search of his home. A hearing on this motion is scheduled for Aug. 8.

This article is based in part on wire service reports.